



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,382	05/05/2006	Katsuyuki Totsu	275A 3842 PCT	1915
7590 05/26/2009 Quinn Emanuel Urquhart Oliver & Hedges, LLP Koda/Androlia 10th Floor 865 S. Figueroa Street Los Angeles, CA 90007				
EXAMINER				
GRANT, ALVIN J				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
05/26/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,382

Applicant(s)

TOTSU, KATSUYUKI

Examiner

ALVIN J. GRANT

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 9, 12, 14, 18 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9, 12, 14, 18 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 9, 12, 14, 18 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki US 2005/0172762 in view of Chen US 2003/0059276.

Referring to claims 1 and 9, Suzuki discloses a screw and screwdriver with the screw comprising claimed features that include; a bit engaging groove that is formed in a Y shape divided into three equal parts, formed in a shape of a pot, groove widths of respective branching grooves that extend in a radial direction from a central portion of said bit engaging groove are formed so that said widths gradually expand, thus producing substantially equal intervals with a width dimension of boundary portions which are between respective adjacent branching grooves being of substantially a same dimension as a width of the branching grooves (Figs. 1 and 2); respective outer circumferential end wall surfaces of said bit engaging groove are formed in a substantially perpendicular attitude to a specified depth from an opening edge part, and step parts sloped downward toward a central portion of a screw neck from perpendicular lower edge portions are respectively provided from the specified depth to a bottom of an intersecting central portion of the bit engaging groove, the surface of the screw head forming the boundary portions is formed at an inclined surface portion that

is inclined at an angle of 20° to 50° downward toward the central portion of said bit engaging groove, the bottom of the intersecting central portion of the bit engaging groove is formed as a bottom surface which is a circular conical recessed part provided therein and boundary portions between the respective adjacent branching grooves of the bit engaging groove are formed so that the boundary portions are formed by planar side wall surfaces that intersect at obtuse angles (Fig. 4) showing left-right symmetry with respect to respective branching grooves in the central portion of the bit engaging groove. Suzuki does not specifically disclose the opening edge part of the respective outer circumferential end wall surfaces of the bit engaging groove is formed as an inclined surface that inclines upward at an angle of 15° to 35° from an inner diameter side toward outwardly radial direction. Chen discloses a screw socket opening in which the opening edge part of the respective outer circumferential end wall surfaces of the bit engaging groove is formed as an inclined surface that inclines upward at an angle of 15° to 35° from an inner diameter side toward outwardly radial direction so as to enhance the adaptability of the tool. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Suzuki's apparatus to have the opening edge part of the respective outer circumferential end wall surfaces of the bit engaging groove is formed as an inclined surface that inclines upward at an angle of 15° to 35° from an inner diameter side toward outwardly radial direction as taught by Chen so as to enhance the versatility of the tool.

Referring to claims 12 and 14, Suzuki as modified by Chen, implicitly discloses the

claimed features since the screwdriver would inherently be modified and would therefore be adapted to fit the contours of the grooves in the head of the screw.

Referring to claims 18 and 23, Suzuki as modified by Chen, implicitly discloses the claimed features since the header punch as modified would inherently comprise the features that would create a head that comprises the claimed features.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 9, 12, 14, 18 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/
Examiner, Art Unit 3723